

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	SANDERS, Eugene Turner et al.)	
Petitioner:	Southwire Company (Assignee))	
)	
Serial No.:	10/622,040)	Group Art Unit: 2839
)	
Filed:	July 17, 2003)	Examiner: J. H. Nasri
)	
For:	Electrical Cable with Temperature)	
	Sensing Means and Method of)	
	Manufacture)	

PETITION UNDER 37 CFR § 1.47
REGARDING NONSIGNING INVENTOR

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner respectfully requests under 35 U.S.C § 116 and 37 C.F.R. § 1.47(a) that the above-identified application be accepted on behalf of joint inventors Steven Ray Campbell, Allan Wayne Daniel, John Nicholas Ware Jr., Jason Miles Baker and William McDowell Berry III on behalf of themselves and on behalf of joint inventor Eugene Turner Sanders, who refuses to join in the application for patent.

Petitioner requests that the fee of \$130.00 for the petition set forth in 37 C.F.R. § 1.17(h) be charged to Deposit Acct. No. 19-3388 in the name of Southwire Company.

All joint inventors, excepting Mr. Sanders, have made a Declaration on their own behalf as required by 37 C.F.R. § 1.63.

The last known address at which the nonsigning inventor customarily receives mail is as follows:

Mr. Eugene T. Sanders
20 Camp Drive
Carrollton, Georgia 30117

The facts in this case are as follows:

The above-identified application is a Utility Patent Application filed July 17, 2003. All of Mr. Sanders' invention rights, as shown in the attached assignment records of all prior patent applications in which he is an inventor, have been assigned to Petitioner Southwire Company (See Exhibit A).

On December 8, 2004 the original of the attached Declaration was mailed to Mr. Sanders' residence. Mr. Sanders has refused to sign the Declaration and stated by phone that he would not sign the Declaration since he is no longer employed by Southwire Company.

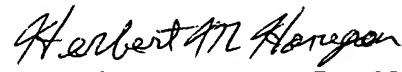
Accordingly, it may be seen that Petitioner has presented Mr. Sanders with the Declaration which Mr. Sanders has expressly refused to sign. Petitioner respectfully submits that the above-stated facts establish proof of Mr. Sanders' refusal as required by 37 C.F.R. § 1.47(a) (and MPEP § 409.03(d)).

Because all other joint inventors have executed the required Declaration, Mr. Sanders' refusal is causing irreparable harm by delaying the examination of this patent application to the prejudice of such rights of Southwire Company.

Further, no counsel for Mr. Sanders has been identified so that Petitioner may communicate with the same. In this regard, Petitioner respectfully notes that upon the granting of this petition, Mr. Sanders may subsequently join in the above-identified application per 35 U.S.C § 116 and 37 C.F.R. § 1.47(a).

Accordingly, Petitioner respectfully requests the granting of this petition to accord the above-identified application status under 37 C.F.R. § 1.47.

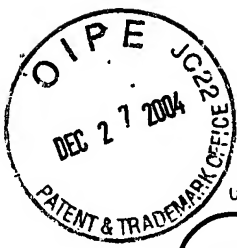
Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Herbert M. Hanegan".

By: Herbert M. Hanegan, Reg. No. 25,682

Dated: December 22, 2004

SMITH, GAMBRELL & RUSSELL, LLP
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Ph: (404) 815-3664
Fax: (404) 685-6964



**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration Submitted With Initial Filing
OR
☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	031264.051
First Named Inventor	SANDERS, Eugene Turner
COMPLETE IF KNOWN	
Application Number	10/622,040
Filing Date	07/17/2003
Art Unit	2874
Examiner Name	Javaid H. Nasri

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**ELECTRICAL CABLE WITH TEMPERATURE SENSING MEANS AND METHOD OF
MANUFACTURE**

the specification of which (Title of the Invention)

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) **07/17/2003** as United States Application Number or PCT International

Application Number [] and was amended on (MM/DD/YYYY) [] (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY) Country	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

This collection of information is required by 37 CFR 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:		<input checked="" type="checkbox"/> Customer Number or Bar Code Label	25461	OR	<input type="checkbox"/> Correspondence address below
Name					
Address					
City		State		ZIP	
Country		Telephone		Fax	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.					
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])		Eugene Turner		Family Name or Surname SANDERS	
Inventor's Signature				Date	
Residence: City		State		Country	
Carrollton		GA		USA	
Mailing Address					
20 Camp Drive					
City		State		Country	
Carrollton		GA		USA	
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])		Steven Ray		Family Name or Surname CAMPBELL	
Inventor's Signature <i>St R. Campbell</i>				Date 12-22-2004	
Residence: City		State		Country	
Carrollton		GA		USA	
Mailing Address					
115 Smokerise Drive					
City		State		Country	
Carrollton		GA		USA	
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the 2 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.					

DECLARATION**ADDITIONAL INVENTOR(S)
Supplemental Sheet**

Page 1 of 2

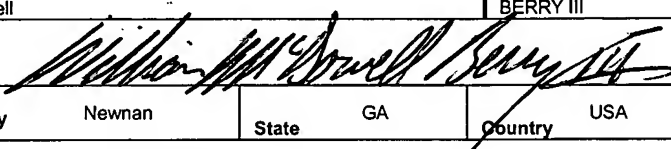
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Allan Wayne		DANIEL	
Inventor's Signature <i>Allan W. Daniel</i>		Date 12/8/04	
Residence: City	Woodland	State	AL
Country	USA	Citizenship	USA
Mailing Address 18525 County Road 87			
Mailing Address			
City	Woodland	State	AL
ZIP	36280	Country	USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
John Nicholas		WARE JR.	
Inventor's Signature <i>John Nicholas Ware Jr.</i>		Date 12/08/04	
Residence: City	Villa Rica	State	GA
Country	USA	Citizenship	USA
Mailing Address 10085 Lakeview Parkway			
Mailing Address			
City	Villa Rica	State	GA
Zip	30180	Country	USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Jason Miles		BAKER	
Inventor's Signature <i>Jason Miles Baker</i>		Date 12/12/04	
Residence: City	Pell City	State	AL
Country	USA	Citizenship	USA
Mailing Address 10 Madelen Court			
Mailing Address			
City	Pell City	State	AL
Zip	35128	Country	USA

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DECLARATION**ADDITIONAL INVENTOR(S)
Supplemental Sheet**Page 2 of 2

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
William McDowell		BERRY III	
Inventor's Signature		Date	
			
Residence: City	Newnan	State	GA
		Country	USA
Citizenship USA			
Mailing Address 87 Parkview Drive			
Mailing Address			
City	Newnan	State	GA
		ZIP	30263
		Country	USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	
		Country	
Citizenship			
Mailing Address			
Mailing Address			
City		State	
		Zip	
		Country	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	
		Country	
Citizenship			
Mailing Address			
Mailing Address			
City		State	
		Zip	
		Country	

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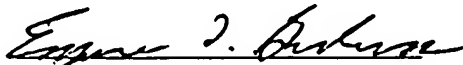
If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

STATE OF GEORGIA)
) ss
COUNTY OF CARROLL)

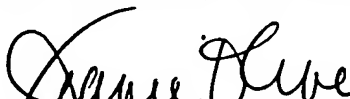
ASSIGNMENT

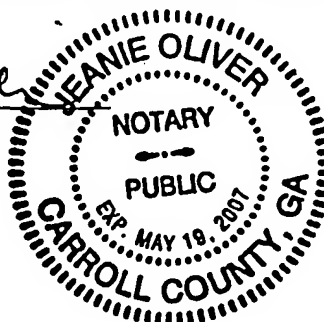
For Four Hundred Dollars (\$400.00) and other valuable consideration to us in hand paid by SOUTHWIRE COMPANY, a Delaware corporation have a place of business at Carrollton, Georgia, the receipt of such consideration being hereby acknowledged, we, Eugene T. Sanders, John Nicholas Ware, Allan Wayne Daniel, Jason Miles Baker, Steven Ray Campbell and William McDowell Berry, III do hereby jointly and severally sell, transfer, and assign and agree to sell, transfer and assign to said SOUTHWIRE COMPANY, its successors and assigns, the entire right, title, interest and priority rights in and to all of our inventions, discoveries and improvements disclosed in an application for Letters Patent entitled ELECTRICAL CABLE WITH TEMPERATURE SENSING MEANS AND METHOD OF MANUFACTURE and filed in the U.S. Patent Office on July 17, 2003 and assigned Application No. 10/622040 together with any application or applications corresponding thereto in whole or in part in all other foreign countries and all right, title and interest in and to Letters Patent and similar protective rights granted on said applications, as well as the right to claim any applicable priority rights arising from said applications under the terms of any applicable conventions, treaties, statutes, or regulations, said applications to be issued in the name of SOUTHWIRE COMPANY, or its designee; and we agree to execute all lawful documents as in the judgment of SOUTHWIRE COMPANY may be necessary to obtain any such patents and similar protective rights and vest the title thereof in SOUTHWIRE COMPANY, or its designee; and we further agree that, upon request, but without expense to us, we shall furnish to SOUTHWIRE COMPANY, or its designee any data, information, exhibits, memoranda, or other evidence in our possession relating to any of said inventions, discoveries, improvements, applications, patents or similar protective rights; and we hereby authorize and request issuance of all Letters Patent and similar protective rights that may be granted on any of said applications, to the extent that such issuance shall be requested by SOUTHWIRE COMPANY, or its designee; and we each covenant that we have full right to convey the interest herein assigned, and that we have not executed and will not execute any agreement in conflict herewith.

Signed by me this 12 day of November, 2003.


Eugene T. Sanders

On this 12th day of November, 2003, personally appeared before me, a Notary Public in and for the State of Georgia, Eugene T. Sanders, to me known and known to me to be the person(s) described in and who executed the foregoing instrument, and they acknowledged to me that they executed the same.


Notary Public

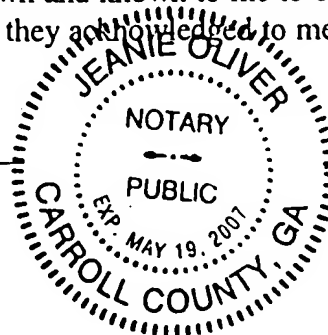


Signed by me this 5th day of January, 2003⁴.

John Nicholas Ware
John Nicholas Ware

On this 5th day of January, 2003⁴, personally appeared before me, a Notary Public in and for the State of Georgia, John Nicholas Ware, to me known and known to me to be the person(s) described in and who executed the foregoing instrument, and they acknowledged to me that they executed the same.

Jeannie Oliver
Notary Public



Signed by me this 4 day of November, 2003.

Allan W. Daniel
Allan Wayne Daniel

On this 4 day of November, 2003, personally appeared before me, a Notary Public in and for the State of Alabama, Allan Wayne Daniel, to me known and known to me to be the person(s) described in and who executed the foregoing instrument, and they acknowledged to me that they executed the same.

Sandra Alley
Notary Public
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Aug 9, 2004

Signed by me this 2nd day of January, 2004.

Jason Miles Baker
Jason Miles Baker

On this 2nd day of January, 2004, personally appeared before me, a Notary Public in and for the State of Alabama, Jason Miles Baker to me known and known to me to be the person(s) described in and who executed the foregoing instrument, and they acknowledged to me that they executed the same.

Jan M Yates
Notary Public

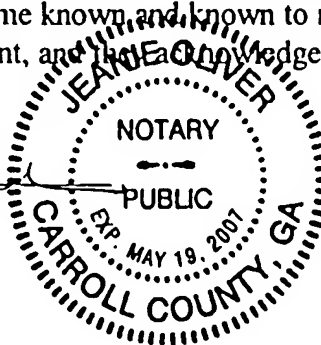
MY COMMISSION EXPIRES APRIL 16, 2005

Signed by me this 1st day of January, 2003.⁴

Steven Ray Campbell
Steven Ray Campbell

On this 6th day of January, 2003,⁴ personally appeared before me, a Notary Public in and for the State of Georgia, Steven Ray Campbell to me known and known to me to be the person(s) described in and who executed the foregoing instrument, and they acknowledged to me that they executed the same.

Jeannie Oliver
Notary Public

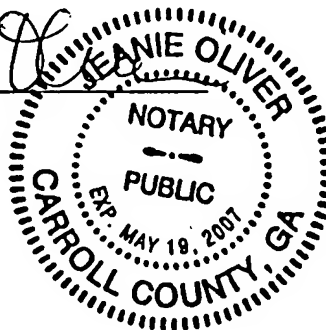


Signed by me this 6th day of January, 2003.⁴

William McDowell Berry, III
William McDowell Berry, III

On this 6th day of January, 2003,⁴ personally appeared before me, a Notary Public in and for the State of Georgia, William McDowell Berry, III to me known and known to me to be the person(s) described in and who executed the foregoing instrument, and they acknowledged to me that they executed the same.

Jeannie Oliver
Notary Public



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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ \$130.00)**Complete if Known**

Application Number	10/622,040
Filing Date	July 17, 2003
First Named Inventor	SANDERS, Eugene T.
Examiner Name	J.H. Nasri
Art Unit	2839
Attorney Docket No.	031264.051US

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 19-3388 Deposit Account Name: Southwire Company

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☐ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP = _____ x _____ = _____						
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP = _____ x _____ = _____						
HP = highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50 = _____	_____ (round up to a whole number) x _____	_____	_____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Petition to Director (Non-Signing Inventor)**Fees Paid (\$)**\$130.00**SUBMITTED BY**

Signature	<u>Herbert M. Hanegan</u>	Registration No. 25,682 (Attorney/Agent)	Telephone (404) 815-3664
Name (Print/Type)	Herbert M. Hanegan		Date December 22, 2004

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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